

REGIONAL COUNCIL OF VENETO  
TENTH LEGISLATURE

MOTION N. 541

THE REGION PROMOTES AND SUPPORTS THE ESTABLISHMENT OF A EUROPEAN CRIMINAL COURT OF HEALTH AND ENVIRONMENT AND A LEGAL-SCIENTIFIC COMMISSION in accordance with the proposals contained in the presentation made on October 31, 2019 by Directors *Berti, Baldin, Brusco* and *Scarabel*

The Veneto regional council

**GIVEN THAT:**

The perilous situation of the climate and the environment, and the serious problems of drought and ill health of the planet, are increasingly and ever present in public debate, in particular by European citizens, by reason of the direct impact on their daily lives, they consider that the situation regarding environmental protection to be so crucially important that it requires total commitment to its protection.

Unicef and WHO recently highlighted that "one in three people in the world are without safe drinking water". Moreover, a recent study published in Nature foreshadows an increase in armed conflict of up to 26% if global temperatures continue to rise. In the face of these emergencies, the current environmental justice system in force in Europe and in the world appears to be wholly inadequate.

On 25 September, 2019, an appeal was formally made to the European Parliament and to the representatives of the new European Commission, to act as soon as possible with new and effective provisions for the protection of the environment. The first signatories of the project include: the Nobel Peace Prize Adolfo Pérez Esquivel, who for many years has been promoting proposals for the cross-border protection of human health, of Planet Earth and its Ecosystems; the Vice President of the Italian Constitutional Court, Emeritus professor Paolo Maddalena, promoter of the Association "Implementing the Constitution", and the former Magistrate of Cassation Professor Antonino Abrami, founder and vice president of the International Academy of Environmental Sciences (IAES), based in Venice.

The perilous state of the environmental cannot be regarded as just a local problem (whether at municipal, regional or national level); rather it is a global issue and, therefore, demands a common vision, at the very least at European level, so as to strengthen and make its protection and the fight against environmental crimes more effective. The proposal by the appeal's promoters is, therefore, to establish a European Criminal Court of Health and the Environment and a European Criminal Prosecutor for the Environment.

Furthermore, it is proposed that a juridical-scientific Commission be established, whose members should be eminent experts who, together with the European institutions, will formulate a Statute of the European Criminal Court of the Environment, which will set out the jurisdiction of the court and the necessary articles of criminal liability, together with the necessary rules of criminal procedure, which will be required for the prevention of crimes against the environment. This institution will have an important contact role with regional, local institutions and with public and private entities of EU countries, as indicated in the report presented on 25 October (<https://www.court4planet.eu>).

The objective of the establishment of the European Criminal Court of Health and the Environment shall be to have an "effective, proportionate and dissuasive" jurisdiction in which to dispense criminal justice in relation to environmental crimes, with the possibility of intervening in the event of inaction by the criminal courts of the member States of the EU in cases of environmental disaster.

**ALSO GIVEN THAT:**

The proposal for such a Court has already been presented in 2010 by Professor Abrami, at the hearing invitation by the Commission for the Environment, Public Health and Food Safety - [[http://court4planet.eu/wp-content/uploads/2019/10/IPOL-JURI\\_NT2011432748\\_EN.pdf](http://court4planet.eu/wp-content/uploads/2019/10/IPOL-JURI_NT2011432748_EN.pdf)]. After due consideration, the Project was deemed, by the Directorate General for Internal Policies, "legally founded and achievable in the medium term". Given the present grave concern about environmental issues, it has become imperative that this project should be implemented expeditiously.

As the environment became part of the EU's competences, many rules have been adopted and yet the real problem remains the effectiveness of their application in the Member States, since the directive 2008/99 / EC on the environmental protection penalty does not solve, partially or at all, the problem. The Directive merely requires Member States to include criminal sanctions in their national legislation in relation to serious violations of the provisions of Community law on environmental protection. However, the Directive says nothing about the required "effectiveness" of the required minimum dissuasive legal sanctions, nor about how they should be applied in a general and uniform way. In the exercise of its jurisdiction and sanctions, the proposed European Criminal Health and Environmental Court would provide a more effective and uniform criminal justice system to prevent environmental crimes, thereby protecting the environment and the lives of all those persons within the jurisdiction of the court against violations of their human rights.

On 23 October last professors Maddalena and Abrami, in an audience at the Vatican by the Holy Father on the occasion of the Synod on the Amazon, delivered the Charter-Appeal for the establishment of the European Criminal Court of Health and the Environment.

**WHEREAS:**

Venice is undoubtedly the ideal city to host the headquarters of the European Criminal Court of Health and the Environment. For more than a thousand years it has represented the perfect balance in the symbiosis between man, nature and water. But this balance is already endangered by climate change and the establishment of the court in Venice would become the emblem of the struggle to combat this environmental peril. By saving the most fragile part of our planet, we will save the planet.

The proposal for the court has received a progressive and broad consensus, both nationally and internationally, and, lastly, we note the support and promotion by the International Society Doctors for the Environment, which met in Vienna on 25<sup>th</sup> and 26<sup>th</sup> September 2019

**COMMITTS THE REGIONAL COUNCIL**

to support and to actively promote the proposal for a "European Criminal Court of Health and Environment" and the legal-scientific Commission, including its logistical and organisational implementation.

This deems to be appropriate, to facilitate its inclusion in the political-programmatic agenda of the European institutions , so that Venice becomes the European reference point for the climate and the protection of the environment, not only at European level, but also internationally.